

## **IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. (Currently Amended) An apparatus for determining a ~~recruitable~~ recruitable volume in a lung comprising:

~~a control system;~~

a pneumatic unit ~~connectable to said control system and~~ adapted to interact with a respiring subject ~~to supply~~ for supplying a breathing gas flow to the subject;

a measurement system ~~connectable to said control system and~~ adapted to interact with the subject ~~to measure~~ for measuring volume and pressure associated with respiration; and

~~said~~ a control system connected to said pneumatic unit and to said measurement system, said control system operating said pneumatic unit mode applying elevated pressure to a lung of the subject, at a first point in time, regulating the pneumatic unit to generate a first test breath having predetermined parameters with respect to at least one of flow and pressure of the breathing gas flow, and registering volume and pressure in the lung during the first test breath, measured by the measurement system, at a second point in time, and regulating the pneumatic unit to generate a second test breath identical to the first test breath, and registering volume and pressure in the lung during the second test breath, measured by the measurement system, comparing the registered volume and pressure for each of the first test breath and the second test breath, and determining a recruitable volume and

assessing an efficacy of said elevated pressure based on the comparison.

Please amend claim 2 as follows:

2. (Currently Amended) An apparatus according to claim 1 wherein the control system operates for, at a  $n^{\text{th}}$  point in time, ~~regulates~~ regulating the pneumatic unit to generate an  $n^{\text{th}}$  test breath identical to the first test breath,  $n$  being an integer equal to or greater than 3, ~~registers~~ and for registering volume and pressure in the lung during the  $n^{\text{th}}$  test breath, measured by the measurement system, ~~compares~~ and for comparing the registered volume and pressure in the lung for the  $n^{\text{th}}$  test breath and preceding test breaths, and ~~determines~~ for determining a trend for changes in ~~recruitable~~ said recruitable volume based on the comparison

Add the following new claims 3 and 4:

3. (New) A method for determining a recruitable volume in a lung comprising the steps of:

connecting a pneumatic unit to a respirating subject for supplying a breathing gas flow to the subject at an elevated pressure;

connecting a measurement system to the subject for measuring volume and pressure associated with respiration of the subject; and

at a first point-in-time, automatically electronically regulating the pneumatic unit to generate a first test breath having predetermined parameters with respect to at least one of flow and pressure of the breathing gas flow, and registering volume and pressure in the lung during the first test breath, with said measurement system;

at a second point-in-time, automatically electronically regulating the pneumatic unit to generate a second test breath identical to the first

test breath, and registering volume and pressure in the lung during the second test breath with the measurement system; and  
automatically electronically comparing the registered volume and pressure for each of the first test breath and the second test breath to determine a recruitable volume, and assessing an efficacy of said elevated pressure based on the comparison.

4. (New) A method as claimed in claim 3 comprising the further steps of:  
at an  $n^{\text{th}}$  point-in-time, automatically electronically regulating the pneumatic unit to generate an  $n^{\text{th}}$  test breath, identical to the first test breath,  $n$  being an integer equal to or greater than 3, and registering volume and pressure in the lung during the  $n^{\text{th}}$  test breath with said measurement system; and  
comparing the registered volume and pressure in the lung for the  $n^{\text{th}}$  test breath and preceding test breaths, for determining a trend for changes in said recruitable volume based on the comparison.

**IN THE DRAWINGS:**

Figure 1 has been amended to include lead lines for reference characters 6A and 6B, as shown on the attached revised drawing sheet.